

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 22-10023-CR-GAYLES/SNOW

UNITED STATES OF AMERICA

v.

WENDY C. KILHEFFER,

Defendant.

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JOINT FACTUAL STATEMENT

The United States of America and WENDY C. KILHEFFER stipulate and agree that if this matter were to proceed to trial, the United States, by photographs, documentary evidence and the testimony of witnesses, would establish the following:

1. The Endangered Species Act, Title 16, United States Code, Section 1538(a)(1)(B), with respect to any species of wildlife listed pursuant to section 1533 of the Act, and subject to certain exceptions not applicable herein, makes it unlawful for any person subject to the jurisdiction of the United States to take any such species within the United States. For purposes of the Act and the regulations issued thereunder, the term “take” includes harming, shooting, wounding, or killing such species, or attempting to engage in any such conduct. Title 16, United States Code, Section 1532(19).

2. The Key deer (*Odocoileus virginianus clavium*), is an endangered species listed pursuant to the Endangered Species Act.

3. On or about November 16, 2022, at Big Pine Key, Monroe County, in the Southern District of Florida, knowingly and unlawfully took a Key deer by shooting, harming, and killing said Key deer with a handgun.

Conclusion


Based upon the foregoing, the United States and defendant respectfully submit that a reasonable jury would find that WENDY C. KILHEFFER is guilty beyond a reasonable doubt of knowingly and unlawfully taking a Key deer (*Odocoileus virginianus clavium*), an endangered species listed pursuant to the Endangered Species Act, by shooting, harming, and killing said Key deer, in violation of Title 50, Code of Federal Regulations, Section 17.21(c)(1) and Title 16, United States code, Sections 1538(a)(1)(B) and 1540(b)(1) and Title 18, United States Code, Section 2, as specified in the single Count of the Information filed against her.

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY


Date: 01/12/2023

By:


Thomas A. Watts-FitzGerald
Assistant States Attorney

Date: 1-13-23

By:


DAVID PAUL HORAN, ESQ.
ATTORNEY FOR DEFENDANT

Date: 1-13-23

By:


WENDY C. KILHEFFER
DEFENDANT